

REMARKS

Claim 1 has been amended by incorporating therein all of the limitations of original claim 2. Accordingly, claim 2 has been cancelled. Claims 3 and 7-10 have been amended to remove multiple dependencies. Claims 4 and 11 have been cancelled without prejudice to the subject matter thereof. The film-forming polymer of claim 1 has been further defined by incorporating limitations from claim 5 into claim 1. Accordingly, claim 5 has been cancelled. No new matter has been added.

Applicants submit herewith a Change of Correspondence Address, a New Power of Attorney and a PTO-1449 containing the prior art cited in the PCT Search Report.

Claims 4-11 have been rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite as the claims recite an improper multiple dependent claim format. Applicants respectfully traverse.

Claims 3 and 7-10 have been amended to remove multiple dependencies. Applicants submit that the present amendment overcomes the above rejection.

Claims 1 and 3-10 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 6, 14-16, 21 and 22 of US Patent No. 6,528,569. Applicants respectfully traverse.

Claim 1 has been amended by incorporating all of the limitations of original claim 2 and limitations from original claim 5. Applicants submit that the '569 patent fails to suggest the process of amended claim 1 and that this amendment overcomes the above rejection.

Claim 11 has been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Matsunaga et al. (US Patent No. 4,045,204) or Deibig et al. (US Patent No. 5,378,751). Applicants respectfully traverse.

Applicants have cancelled claim 11 herein without prejudice to the subject matter thereof and reserve the right to file a continuation to the subject matter thereof. Accordingly, this rejection has been rendered moot.

Claims 1, 2, 4-6 and 9-11 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 94/23573. Applicants respectfully traverse.

Claim 1 has been amended by incorporating all of the limitations of original claim 2 and limitations from original claim 5. Claim 1, as amended, does not include, as the film-forming polymers salts of polyacrylic acid or salts of polymethacrylic acid. Applicants submit that this amendment removes any argument of anticipation by WO 94/23573 which teaches as suitable polymers, polymers of polyacrylic acid and polymethacrylic acid combined with the more general teaching that salts of homopolymers may be used.

WO 94/23573 is mainly directed to the formation of fibers containing agrochemicals, although there is a passing reference to the possibility of casting the polymer into a film (page 9, lines 30 and 31). WO 94/23573 does not recognize the problem of incompatibility of many polymers with solutions of electrolytes. Table 2 of the present application shows that many polymers listed on page 7 of WO 94/23573 (in particular polyvinyl alcohol, water-soluble substituted celluloses, starch and polyvinyl pyrrolidone) are incompatible with an aqueous solution of ammonium glyphosate, but WO 94/23573 makes no reference to this problem. There is nothing whatsoever in the teaching of WO 94/23573 to lead one skilled in the art to the use of the charged or ring-opening polymers presently claimed in the process of the present invention.

Claims 1-6 and 9-11 have been rejected under 35 USC 103(a) as allegedly being obvious over WO 94/23573 alone, or in view of Narayanan (US 5,766,615). Applicants respectfully traverse.

WO 94/23573 has been discussed above. Narayanan fails to remedy the deficiencies of the '573 reference. Therefore, Applicants submit that this rejection has been overcome.

In view of the above amendments and arguments, Applicants respectfully submit that the rejections under 35 U.S.C. § 102(b), 103(a) and 112 have been overcome and hereby request that this application be passed to issue.

As this response is submitted within three months from the mailing date of the Office Action, no additional fees are believed necessary.

However, in the event the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully requested, and the Commissioner is authorised to debit the appropriate fee for that extension, or any other fee, from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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